

APPENDIX C

CHAPTER 233 – SUBDIVISION OF LAND

CHAPTER 233 SUBDIVISION OF LAND

[HISTORY: Adopted by the Board of Trustees of the Village of Ossining 2-5-1974 as Appendix A of the 1974 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Affordable housing — See Ch. 62.

Building construction — See Ch. 91.

Environmental quality review — See Ch. 118.

Excavations — See Ch. 122.

Flood damage prevention — See Ch. 141.

Freshwater wetlands — See Ch. 149.

Sewers — See Ch. 212.

Stormwater management and erosion and sediment control — See Ch. 227.

Street construction standards — See Ch. 229.

Waterfront consistency review — See Ch. 262.

Zoning — See Ch. 270.

ARTICLE I General Provisions (§ 233-1 — § 233-2)**§ 233-1 Purpose and intent.**

The Planning Board of the Village of Ossining declares that these regulations for the subdivision of land for various purposes have been promulgated to provide for the orderly growth and coordinated development of the Village of Ossining and to assure the comfort, convenience, safety, health and welfare of its people, and further that the approval of such subdivisions shall be based on the following considerations:

A.

Conformance with the various parts of the Comprehensive Plan and Chapter 270, Zoning.

[Amended 10-6-2009 by L.L. No. 4-2009]

B.

Recognition of a desirable relationship to the general land form, its topographic and geologic character, to natural drainage and surface water runoff, and to the groundwater table.

C.

Recognition of desirable standards of subdivision design including adequate provision for pedestrian and vehicle traffic, for surface water runoff and for suitable building sites for the land use contemplated.

D.

Provision for such facilities as are desirable adjuncts to the contemplated use such as parks, recreation areas, school sites, firehouses and off-street parking.

E.

Preservation of such natural assets as ponds, streams, shrubs and trees.

F.

Provision of adequate utility services.

§ 233-2 Declaration of authority.

[Amended 8-3-1999 by L.L. No. 2-1999]

Through the authority granted by Chapter 64 of the Consolidated Laws of the State of New York, as amended, and Chapter 270, Zoning, all subdivision of land is required to receive the approval of the Ossining Planning Board, and further the Board is authorized to recommend, for review and adoption by the Village Board of Trustees, regulations controlling



the subdivision of land within the boundaries of the Village of Ossining.

ARTICLE II Terminology (§ 233-3)

§ 233-3 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

COMPREHENSIVE PLAN

A plan for the future growth, protection, and development of the Village of Ossining, affording adequate facilities for housing, transportation, comfort, convenience, public health, safety and general welfare for its population.

[Amended 10-6-2009 by L.L. No. 4-2009]

CROSSWALK OR WALKWAY

A right-of-way, dedicated to public use, to facilitate pedestrian access through a subdivision.

CUL-DE-SAC

A short dead-end street terminating in a vehicular turnaround area.

EASEMENT

A restriction established in a real estate deed to permit the use of land by the public, a corporation or particular persons for specified uses.

FINAL PLAT

A drawing prepared in a manner prescribed by local regulation that shows a proposed subdivision, containing in such additional detail all information required to be shown on a preliminary plat and the modifications, if any, required by the Planning Board at the time of approval of the preliminary plat if such preliminary plat has been so approved.

[Added 10-6-2009 by L.L. No. 4-2009]

LOT

A portion or parcel of land considered as a unit.

[Amended 10-6-2009 by L.L. No. 4-2009]

MASTER PLAN

A plan for the future growth, protection, and development of the Village of Ossining, affording adequate facilities for housing, transportation, comfort, convenience, public health, safety and general welfare for its population.

PRELIMINARY PLAT

A drawing prepared in a manner prescribed in this chapter showing the layout of a proposed subdivision, including, but not restricted to, road and lot layout and approximate dimensions, key plan, topography and drainage, all proposed facilities unsized, including preliminary plans and profiles, at suitable scale and in such detail as local regulation may require.

[Added 10-6-2009 by L.L. No. 4-2009]

SUBDIVISION

The division of land of real property into two or more lots, plots, blocks or sites, with or without streets or highways, for the purpose of offering such lots, plots, blocks, or sites for sale, transfer of ownership, or development. The term "subdivision" may include any alteration of lot lines or dimensions of any lots or sites shown on a plat previously approved and filed in the office of the county clerk or register of the county in which such plat is located.

[Amended 10-6-2009 by L.L. No. 4-2009]

VILLAGE ENGINEER

The official engineer of the Village of Ossining.

ARTICLE III Preliminary Plat (§ 233-4 — § 233-8)

§ 233-4 Purpose.

A.

The preliminary plat and the supporting documents for a proposed subdivision constitute the material to be officially submitted to the Planning Board and later one copy shall become the official record of the Village Clerk. The preliminary



plat and the supporting documents shall show the general design of the subdivision and its public improvements so that the Planning Board can indicate its approval or disapproval of the subdivision prior to the time that the final plat, including the design and detailing of the public improvements and utilities, is completed. Approval of the preliminary plat does not constitute an approval of the final plat nor should it be considered a valid basis for the construction of site improvements or for other commitments which depend upon its design characteristics.

B.

When revision of the proposed subdivision is required, the preliminary plat shall be revised accordingly so that the files of the Planning Board and other Village officials will be current.

C.

The preliminary plat shall serve as a key map to subdivisions subsequently laid out in sections on final plats.

§ 233-5 Review procedure.

[Amended 10-6-2009 by L.L. No. 4-2009]

The Planning Board shall follow procedures as prescribed by Article 7, § 7-728, of the Village Law and by this chapter.

A.

The submission of a preliminary plat shall consist of the following items:

(1)

Application for the subdivision of land as prescribed by the Planning Board.

B.

A proposed submission which does not include all the required drawings and documents will not be accepted for filing. A submission shall be filed by the deadline as prescribed by the Planning Board.

C.

The applicant must supply the proper documentation and forms that are applicable to Chapter 118, Environmental Quality Review, and Chapter 262, Local Waterfront Consistency, of this Code, and 6 NYCRR Part 617, State Environmental Quality Review (SEQR).

D.

The Planning Board shall refer any matter involving any areas in accordance with §§ 277.61 and 277.71 of the Westchester County Administrative Code and §§ 239-l, 239-m and 239-n of the New York State General Municipal Law to the Westchester County Planning Board.

E.

The Planning Board shall take formal action either approving or disapproving the preliminary plat submission, and a copy of such action will be forwarded to the subdivider or his representative who appeared on his behalf to the Village Clerk and to the Village Engineer.

F.

If the approved preliminary subdivision of land occurs within 500 feet of the Village boundary, a copy of the preliminary plat shall be sent by the Planning Board Secretary to the appropriate municipal official of the adjoining community.

G.

A preliminary plat shall not be considered complete until a negative declaration has been filed or until a notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of the State Environmental Quality Review Act.

Editor's Note: See Environmental Conservation Law § 8-0101 et seq.

The time periods for review of a preliminary plat shall begin upon filing of such negative declaration or such notice of completion.

H.

Public hearing on preliminary plats. The time within which the Planning Board shall hold a public hearing on the preliminary plat shall be coordinated with any hearings the Planning Board may schedule pursuant to the State Environmental Quality Review Act,

Editor's Note: See Environmental Conservation Law § 8-0101 et seq.
as follows:

(1)

If such board determines that the preparation of an environmental impact statement on the preliminary plat is not required, the public hearing on such plat shall be held within 62 days after the receipt of a complete preliminary plat by the clerk of the Planning Board; or

(2)

If such board determines that an environmental impact statement is required, and a public hearing on the draft environmental impact statement is held, the public hearing on the preliminary plat and the draft environmental impact statement shall be held jointly within 62 days after the filing of the notice of completion of such draft environmental impact statement in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the draft environmental impact statement, the public hearing on the preliminary plat shall be held within 62 days of filing the notice of completion.

I.

The Village will advertise a public hearing at least 10 days prior to the hearing date. In addition to such published notice, the Planning Board shall cause such notice to be mailed at least 10 days before the hearing to all owners of property which lie within 300 feet of any boundary line of the property which is the subject matter of the application and to such other owners as the Planning Board may deem advisable. The names of said owners shall be taken as they appear on the last completed tax roll of the Village. Provided that due notice shall have been published as required by law and that there shall have been substantial compliance with the remaining provisions of this section, the failure to give notice in exact conformance herewith shall not be deemed to invalidate action taken by the Planning Board in connection with such application.

J.

The hearing on the preliminary plat shall be closed upon motion of the Planning Board within 120 days after it has been opened.

K.

Decision. The Planning Board shall approve, with or without modification, or disapprove such preliminary plat as follows:

(1)

If the preparation of an environmental impact statement on the preliminary plat is not required, such board shall make its decision within 62 days after the close of the public hearing; or

(2)

If an environmental impact statement is required, and a public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of such public hearing in accordance with the provisions of the State Environmental Quality Review Act.

Editor's Note: See Environmental Conservation Law § 8-0101 et seq.

If no public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of the public hearing on the preliminary plat. Within 30 days of the filing of such final environmental impact statement, the Planning Board shall issue findings on the final environmental impact statement and make its decision on the preliminary plat.

(3)

If the Planning Board is not the lead agency and an environmental impact statement is required, the Planning Board shall make its own findings and its decision on the preliminary plat within 62 days after the close of the public hearing on such preliminary plat or within 30 days of the adoption of findings by the lead agency, whichever period is longer.

(4)

Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board. When so approving a preliminary plat, the Planning Board shall state, in writing, any modifications it deems necessary for submission of the plat in final form.

L.

The Planning Board, in the review of any application, may refer such application to such engineering, planning, legal, technical, environmental or other professionals as the referring board deems reasonably necessary to enable it to review the application as required by law.

(1)

At the time of submission of any application, or during the review process, the reviewing board or official may require the establishment of an escrow account from which withdrawals shall be made to reimburse the Village for the costs of professional review services.

(2)

The Planning Board shall not consider or consider further any application for which a deposit is required under this chapter until the Treasurer has certified that the deposit has been made.

(3)

If such account is not replenished within 30 days after the applicant is notified, in writing, of the requirement for such additional deposit, the reviewing board or official may suspend its review of the application.

(4)

After all pertinent charges have been paid, the Village shall refund to the applicant any funds remaining on deposit.

§ 233-6 Filing fee.

[Amended 8-3-1999 by L.L. No. 2-1999]

The filing fee shall be set from time to time by resolution of the Village Board of Trustees

Editor's Note: The Schedule of Fees is on file in the Village offices.

for each acre or part thereof covered by the proposed subdivision, including all reserved parcels.

§ 233-7 Filing of decision; expiration of approval.

[Amended 10-6-2009 by L.L. No. 4-2009]

Within five business days from the date of the adoption of the resolution stating the decision of the Board of the preliminary plat, the Chairman or other duly authorized member of the Planning Board shall cause a copy of such resolution to be filed in the office of the Village Clerk. Within six months of the approval of the preliminary plat, the owner must submit the plat in final form. If the final plat is not submitted within six months, approval of the preliminary plat may be revoked by the Planning Board. No Planning Board action will be taken after such expiration until a new application and filing fee are submitted.

§ 233-8 Preliminary plat requirements.

The preliminary plat shall be prepared by a licensed professional engineer and land surveyor and shall provide the information noted in this section as follows:

A.

Drawing sheet.

(1)

The size shall be:

[Amended 10-6-2009 by L.L. No. 4-2009]

(a)

No smaller than 18 inches by 20 inches;

(b)

No larger than 36 inches by 48 inches.

(2)

If more than one sheet is required, a clearly drawn cut line shall be shown on both sheets and on the key map.

B.

Title block. The title block shall include the following:

(1)

Name of the subdivision and the municipality within which it is situated.

(2)

Name and address of the subdivider.

(3)

Name, address, license number and seal of the professional engineer and land surveyor who prepared the drawings.

(4)

Total acreage for the entire tract and for each zone district within the tract.

(5)

Total number of proposed lots.

C.

Other notations.

(1)

Date of original submission and of each subsequent revised submission.

(2)

Graphic scale. The subdivider shall be guided by the Village Engineer in fixing the appropriate scale for the preliminary plat.

(3)

True and magnetic North point and the date taken.

(4)

Certification by the licensed land surveyor that the topography shown resulted from an actual survey and the date of that survey.

(5)

Offers of dedication, statements establishing easements and similar statements should be indicated on the drawing (see Appendix B-200

Editor's Note: Appendix B-200 is on file in the Village offices.

).

D.

Key map. The key map shall include the following:

(1)

Scale: one inch equals 50 feet or other appropriate scale depending on the size of the lot to be subdivided.

[Amended 10-6-2009 by L.L. No. 4-2009]

(2)

Information:

(a)

Relationship to the existing highway system, main intersections and Master Plan of streets and highway.

(b)

Boundary lines for building zone districts, special districts and Village properties and boundaries.

(c)

Subdivision streets and blocks in scale.

(d)

Cut lines as needed when there are two or more drawings to show the complete subdivision.

E.

Subdivision boundary line and survey date (heavy solid line).

F.

Boundaries of adjacent properties and property owners' names. Adjacent properties which are a part of a recorded subdivision plat may be identified by the subdivision name.

G.

Other boundary lines.

(1)

Building zone district.

(2)

Special districts.

H.

Topographic contours at five-foot intervals referred to the United States Coast and Geodetic Survey datum of mean sea level.

(1)

Smaller or larger intervals when advisable due to the terrain may be used after approval by the Planning Board.

(2)

Contours shall extend 200 feet beyond the subdivision boundary line, unless specifically waived by the Planning Board.

I.

Existing site conditions:

(1)

Street rights-of-way on the subdivision and within 200 feet of its boundaries, which shall include:

(a)

Name.

(b)

Location and width.

(c)

Center line elevations at intersections and other critical points.

(d)

Typical cross section.

(2)

Other rights-of-way and easements on the subdivision and within 200 feet of its boundaries, which shall include:

(a)

Identification.

(b)

Location and width.

(c)

Restrictions of use, if any.

(3)

Drainage structures on the subdivision and within 200 feet of its boundaries, which shall include:

(a)

Type of structure.

(b)

Location, invert elevations, gradients and sizes of all pipe and of all other structures where applicable.

(4)

Other utility structures, such as water and gas mains and power lines on the subdivision and within 200 feet of its boundaries, including location and size or capacity.

(5)

Marshes, ponds, streams, land subject to periodic or occasional flooding and similar conditions on the subdivision and within 200 feet of its boundaries, including:

(a)

The location and area covered indicating, apparent high-water levels.

(b)

The waterline on date of survey and survey date.

(c)

The maximum depth of water at critical points.

(6)

Test hole data, including:

(a)

Date, location and graphic representation of findings for all test holes, including groundwater levels. One test hole shall be required for each acre of land to be subdivided.

(b)

Locations shall include critical conditions and areas where drainage structures requiring seepage are to be constructed.

(7)

Village or other public lands, lands designated as parks, open spaces or for some other public use.

(8)

Buildings and other structures located on the subdivision and within 200 feet of its boundaries.

J.

Proposed site conditions (See Article VI, Design Standards.)

(1)

Streets.

(a)

Name (to be checked prior to submission with the Building Department).

[Amended 10-6-2009 by L.L. No. 4-2009]

(b)

Right-of-way width.

(c)

Tentative center-line elevations at intersections and at principal changes in gradient.

(d)

Tentative center-line gradient shown in percent of slope.

(2)

Lot layout.

(a)

Lot lines and dimensions to the nearest foot.

(b)

Building setback line (dashed) and dimension.

(c)

Easements and restricted areas with notation as to purpose or restriction.

(d)

Identification of lots or parcels for special uses, whether they are to be offered for dedication or not.

(e)

Layout for all reserved parcels in conformance with existing zoning regulations shown in a broken line.

(3)

Preliminary stormwater drainage system and sewer plan in accordance to Chapter 227, Stormwater Management and Erosion and Sediment Control.

[Amended 10-6-2009 by L.L. No. 4-2009]

(a)

Stormwater and sewer drainage structures shall be shown on the preliminary plat.

ARTICLE IV Final Plat (§ 233-9 — § 233-13)

§ 233-9 Purpose.

A.

The final plat and supporting drawings and documents for a proposed subdivision constitute the complete development of the subdivision proposal and include the recommendations resulting from the Planning Board review of the preliminary plat, as well as the detailed layout drawings for the public improvements and utilities. After public hearing and approval by the Planning Board, this complete submission, along with the performance bond and the provision of the liability insurance policy, as approved by the Village Board of Trustees, becomes the basis for the construction of the subdivision and the inspection service by the Village Engineer and Planning Board. The plat itself must be recorded at the county register's office to have legal status. An unrecorded plat is not valid basis for site improvements or other commitments which depend on its design characteristics.

B.

The plat itself shall be an accurate survey record of the properties resulting from the subdivision.

§ 233-10 Review procedure.

[Amended 12-21-2004 by L.L. No. 13-2004; 10-6-2009 by L.L. No. 4-2009]

The Planning Board shall follow procedures as prescribed by Article 7, § 7-728, of the Village Law and by this chapter.

A.

The submission of a final plat (before Planning Board review) shall consist of the following items:

(1)

Application for the subdivision of land, as prescribed by the Planning Board.

(2)

The final plat, three paper prints, including signed approval from the Westchester County Department of Health.

B.

If the subdivision of land occurs within 500 feet of the Village boundary, a copy of the preliminary plat shall be sent by the Planning Board Secretary to the appropriate municipal official of the adjoining community.

C.

Prior to final action, the Planning Board shall refer any matter involving any of the areas in accordance with §§ 277.61 and 277.71 of the Westchester County Administrative Code and §§ 239-l, 239-m and 239-n of the New York State General Municipal Law to the Westchester County Planning Board.

D.

The applicant must supply the proper documentation and forms that are applicable to Chapter 118, Environmental Quality Review, and Chapter 262, Local Waterfront Consistency, of this Code and 6 NYCRR Part 617, State Environmental Quality Review (SEQR).

E.

When no preliminary plat is required to be submitted, a final plat shall not be considered complete until a negative declaration has been filed or until a notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of the State Environmental Quality Review Act.

Editor's Note: See Environmental Conservation Law § 8-0101 et seq.

The time periods for review of a preliminary plat shall begin upon filing of such negative declaration or such notice of completion.

F.

The Village will advertise a public hearing at least 10 days prior to the hearing date. In addition to such published notice, the Planning Board shall cause such notice to be mailed at least 10 days before the hearing to all owners of property which lay within 300 feet of any boundary line of the property which is the subject matter of the application and to such other owners as the Planning Board may deem advisable. The names of said owners shall be taken as they appear on the last completed tax roll of the Village. Provided that due notice shall have been published as required by law and that there shall have been substantial compliance with the remaining provisions of this section, the failure to give notice in exact conformance herewith shall not be deemed to invalidate action taken by the Planning Board in connection with such application.

G.

Public hearing on final plats. The time within which the Planning Board shall hold a public hearing on the final plat shall be coordinated with any hearings the Planning Board may schedule pursuant to the State Environmental Quality Review Act,

Editor's Note: See Environmental Conservation Law § 8-0101 et seq.

as follows:

(1)

If such board determines that the preparation of an environmental impact statement on the final plat is not required, the public hearing on such plat shall be held within 62 days after the receipt of a complete final plat by the Clerk of the Planning Board; or

(2)

If such board determines that an environmental impact statement is required, and a public hearing on the draft environmental impact statement is held, the public hearing on the final plat and the draft environmental impact statement shall be held jointly within 62 days after the filing of the notice of completion of such draft environmental impact statement in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the draft environmental impact statement, the public hearing on the final plat shall be held within 62 days of filing the notice of completion.

H.

The hearing on the final plat shall be closed upon motion of the Planning Board within 120 days after it has been opened.

I.

Decision. The Planning Board shall approve, with or without modification, or disapprove such final plat as follows:

(1)

If the preparation of an environmental impact statement on the final plat is not required, such board shall make its decision within 62 days after the close of the public hearing; or

(2)

If an environmental impact statement is required, and a public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of such public hearing in accordance with the provisions of the State Environmental Quality Review Act.

Editor's Note: See Environmental Conservation Law § 8-0101 et seq.

If no public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of the public hearing on the final plat. Within 30 days of the filing of such final environmental impact statement, the Planning Board shall issue findings on the final environmental impact statement and make its decision on the final plat.

(3)

If the Planning Board is not the lead agency and an environmental impact statement is required, the Planning Board shall make its own findings and its decision on the final plat within 62 days after the close of the public hearing on such final plat or within 30 days of the adoption of findings by the lead agency, whichever period is longer.

(4)

Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board.

(5)

A letter, in appropriate cases, directed to the Chairman of the Planning Board, signed by a responsible official of the New York State Department of Public Works or the Westchester County Superintendent of Highways, approving proposed construction on state or county rights-of-way.

(6)

Deeds of dedication, (standard law form) three copies each for all properties, including street rights-of-way, to be offered to the Village for dedication.

(7)

Lot areas for each lot measured accurately to the nearest square foot, which shall be shown on the final plat drawing.

J.

The Village shall retain one complete set of the final plat submission for the municipal records.

K.

The Village Engineer may prepare a report of findings for planning consideration and action.

L.

The Village Engineer shall prepare a performance bond estimate before issuance of a building permit for any approved final plat subdivision.

M.

After public hearing, the Planning Board will take formal action. If the plat is approved, the subdivider shall carry out the following steps prior to obtaining the Chairman's signature of approval:

(1)

Make all required corrections or meet all required conditions to the satisfaction of the Planning Board and/or the Village Engineer.

(2)

Agree to obtain a performance bond in the amount of the bond estimate and a general liability insurance policy and submit them to the Corporation Counsel for approval as to form. (See Article V.)

(3)

Pay the required inspection fee.

N.

If authorized by the Planning Board, the Chairman will sign his approval on the final plat, the approved road profiles and the public improvement and utility plan.

O.

The subdivider shall prepare and submit, to the Building Department, prints of the signed final plat drawings as follows:

(1)

Two copies on linen paper or Mylar transparency and two paper prints.

P.

The Building Department shall retain one copy of the signed final plat for the municipal records and one paper copy and distribute the remaining prints as follows:

(1)

Planning Department: one paper print.

(2)

Tax Assessor: one Mylar print.

Q.

The subdivider shall file a signed, original approved plat (not including the supporting drawings and documents) in the Westchester County Register's Office, within 90 days of signed approval, unless granted an extension according to the provisions of § 233-11.

R.

Planning Board approval of a final plat shall not be deemed an acceptance by the Village of any street or other land shown as offered for dedication to public use.

S.

The Planning Board, in the review of any application, may refer such application to such engineering, planning, legal, technical, environmental or other professionals as the referring board deems reasonably necessary to enable it to review the application as required by law.

(1)

At the time of submission of any application, or during the review process, the reviewing board or official may require the establishment of an escrow account from which withdrawals shall be made to reimburse the Village for the costs of professional review services.

(2)

The Planning Board shall not consider or consider further any application for which a deposit is required under this chapter until the Treasurer has certified that the deposit has been made.

(3)

If such account is not replenished within 30 days after the applicant is notified, in writing, of the requirement for such additional deposit, the reviewing board or official may suspend its review of the application.

§ 233-11 Filing of decision; expiration of approval.

[Amended 10-6-2009 by L.L. No. 4-2009]

Within five business days from the date of the adoption of the resolution stating the decision of the Board of the final plat, the Chairman or other duly authorized member of the Planning Board shall cause a copy of such resolution to be filed in the office of the Village Clerk. Planning Board approval of a final plat shall expire 90 days after the date of the Planning Board resolution authorizing the Chairman to sign the drawings, unless the subdivider has fulfilled the requirements of § 233-10P.

A.

Upon application by the subdivider the Planning Board may grant up to two ninety-day extensions of the date of the original approval; provided, however, that the plat shall be revised according to any change in regulations or ordinance applicable to the plat which may have occurred subsequent to the first resolution.

B.

Expiration of an approval shall mean that any further action will require a new filing fee as well as a review of all previous findings.

§ 233-12 Final plat requirements.

The final plat shall be prepared by a licensed professional engineer and land surveyor and shall provide the information

noted in this section as follows:

A.

The drawing sheet

(1)

The size shall be:

[Amended 10-6-2009 by L.L. No. 4-2009]

(a)

No smaller than 18 inches by 20 inches;

(b)

No larger than 36 inches by 48 inches.

(2)

If more than one sheet is required, a clearly drawn cut line shall be shown on both sheets and on the key map.

B.

Title block. The title block shall be the same as that required for the preliminary plat (see § 233-8B).

C.

Other notations shall be the same as those required for the preliminary plat, except that the certification that the topography shown resulted from an actual field survey shall be omitted [see § 233-8C(1), (2), (3) and (4)].

D.

The key map of the entire subdivision shall be the same as that required on the preliminary plat (see 233-8D) with the following additions:

(1)

The final plat area being submitted for approval shall be shaded if it is only one section of the entire subdivision.

E.

Boundary lines.

(1)

Building zone districts.

(2)

Special districts.

F.

General information required.

(1)

Street rights-of-way and widening of street rights-of-way.

(a)

Name.

(b)

Location.

(c)

Width.

(d)

Notation on widenings where an offer of dedication is being made.

(2)

Other rights-of-way and easements.

(a)

Identification and description (see Appendix B-200).

Editor's Note: Appendix B-200 is on file in the Village offices.

(b)

Location.

(c)

Width and other dimensions necessary for description.

(3)

Lot layout.

(a)

Number identification by a suitable system of consecutive numbers, and numbers shall be circled.

(b)

Lot lines with accurate dimensions to the nearest hundredth of a foot.

(c)

Building setback lines with dimensions.

(4)

Special parcels.

(a)

Descriptions of proposed actions and uses, including a note where an offer of dedication is being made.

(b)

Boundary lines with accurate dimensions to the nearest one hundredth of a foot.

G.

Survey data.

(1)

Accurate traverses of subdivision boundaries with true bearings and distances.

(2)

Survey tie-ins with true bearings and distances to the three nearest established street monuments or official monuments.

(3)

Village, town, county and special district boundaries referenced to the subdivision survey by true bearings and distances.

(4)

Radii, internal angles, points of curvature, tangent bearings and lengths of all arcs.

(5)

Accurate dimensions to the nearest hundredths of a foot.

(6)

Monuments.

(a)

Accurate locations of all monuments.

(b)

Existing monuments shall be shown.

[Amended 10-6-2009 by L.L. No. 4-2009]

(c)

Proposed new monuments or monuments to be reset.

[Amended 10-6-2009 by L.L. No. 4-2009]

(d)

One monument shall be located at each corner of the boundary survey and at each general change in direction of the boundary.

(e)

Two monuments shall be located at each street intersection.

(f)

Monuments shall be located at the beginning and end of each curve along one side of the street right-of-way.

§ 233-13 Public improvements and utilities plan and profiles.

A.

This plan and profile are declared to be an integral part of the final plat submission.

B.

The performance bond and the inspection service shall be based on this drawing, the final plat itself, these subdivision regulations and the Village specifications for such public improvements and utilities.

C.

Unless a specific waiver is requested in writing, the proposed public improvements and utilities shall be considered to comply specifically with these subdivision regulations and the Village specifications.

D.

Basic plan requirements:

(1)

Sheet size shall be:

[Amended 10-6-2009 by L.L. No. 4-2009]

(a)

No smaller than 18 inches by 20 inches;

(b)

No larger than 36 inches by 48 inches.

(2)

The area covered, the scale and the title block shall be the same as the preliminary plat (see § 233-8).

(3)

The plan shall show the outline of all rights-of-way easements and similar conditions.

(4)

Street center-line gradients in percent indicated with arrows to establish the direction of flow.

(5)

Critical street center-line grade elevations.

E.

Drainage system requirements:

(1)



A complete drainage system for the entire subdivision, with appropriate development stages for each of the final plat sections, shall be shown graphically with all existing drainage features to be incorporated properly identified as "existing."

(2)
Boundaries of stormwater runoff watersheds for each drainage structure and their area in acres.

(3)
All proposed surface drainage structures (e.g., valley gutters).

(4)
All appropriate details and dimensions necessary to explain clearly the proposed construction, including type of construction, material, size, pitch and invert elevations among other things, in accordance with good engineering practice.

(5)
Location of all test pits and description of soil conditions and water table.

F.
Utility systems requirements:

(1)
Water supply and distribution.

(a)
Location of sources on property or, where piped in, the size of the supply main.

(b)
Location and size of all distribution mains.

(c)
Location of fire hydrants.

(d)
Location of all control valves.

(2)
Electric and telephone systems.

(a)
Location of all service routes, for both aerial and underground cables, and of all poles.

(b)
Location of all special facilities.

(c)
Sanitary waste disposal system.

[1]
Sanitary sewer system design shall be indicated in all cases where public sewer connections exist or are proposed.

[2]
Typical lot layout indicating location of the system with reference to house and water supplies and detailed drawings of proposed sanitary waste disposal units shall be provided.

G.
Profile drawing requirements:

(1)
Drawings shall be made on standard profile paper with the following scales:

(a)

Horizontal scale: one inch equals 40 feet.

(b)

Vertical scale: one inch equals four feet.

(2)

All profiles shall show the existing natural grades, the typical cross sections of existing and proposed roads, the center lines of intersecting roads and a system of survey stations.

(3)

The center-line profile of all proposed roads with dimensioning on vertical curves and notation as to gradient and critical elevations shall be shown.

(4)

The invert profile and location of all drainage structures in street rights-of-way and in drainage easements shall be shown.

ARTICLE V Bonds and Insurance (§ 233-14 — § 233-15)

§ 233-14 Performance bond.

A.

Purpose. A performance bond is posted by the subdivider to guarantee to the Village that he or she will faithfully construct, or cause to be constructed, the required public improvements and utilities which were an integral part of his or her approved final plat; and further, that the construction shall be complete within a reasonable period of time.

B.

Procedure.

[Amended 10-6-2009 by L.L. No. 4-2009]

(1)

A performance bond estimate will be prepared by the Village Engineer. (See § 233-10E.)

(2)

The Planning Board may pass a resolution requiring a performance bond.

(3)

The subdivider shall present his or her performance bond executed on the standard performance bond, with signed copies of the performance bond estimate attached, to the Corporation Counsel at least one week prior to any Village Board of Trustees meeting for approval as to form and sufficiency by the Board of Trustees at such meeting.

(4)

The Board of Trustees shall approve or disapprove the performance bond as presented by the Corporation Counsel. If the performance bond is approved, one copy will be forwarded to the Village Clerk and Building Department for their records and one copy will be forwarded with a copy of the Board of Trustees' resolution to the Planning Board.

(5)

After completing the construction of the public improvements covered by the performance bond, and prior to the termination of the bond period, the subdivider shall prepare a set of the approved public improvements and utilities plans and profiles amended to indicate as-constructed information and shall apply to the Village Engineer for a final inspection of the work. The Village Engineer shall report to the Planning Board on the condition of the work and recommend that the performance bond be released, extended or declared in default. The Village Engineer shall also report on the desirability of the Village accepting offers of cession for streets and other lands to be dedicated for public use.

(6)

The Planning Board shall, by resolution, advise the Village Board of Trustees of its recommendation for release of or declaring in default each performance bond. The Planning Board can act to extend the term of the bond in appropriate cases where such action would not be contrary to the intent of these regulations.

(7)



The Village Board of Trustees shall act on the release of or declaration of default on the performance bond.

C.

Terms of performance bonds. Performance bonds shall run until the completion of the agreed-upon improvements.

[Amended 10-6-2009 by L.L. No. 4-2009]

§ 233-15 General liability insurance.

A.

Procedure. The subdivider shall file with the Corporation Counsel a general liability insurance policy at the same time as he or she files his or her performance bond. The Board of Trustees shall approve the policy for form. The policy shall be of the same term as the performance bond and shall be extended in conformance with any extension of the performance bond.

B.

Coverage. The policy shall insure the Village of Ossining and the subdivider and shall cover all operations in the development involving existence and maintenance of property and buildings and contracting operations of every nature, including all public improvements. Said policy shall have limits of liability of \$100,000 for bodily injury to each person and \$300,000 liability on the aggregate for each accident and property damage liability of \$5,000 for each accident and \$25,000 aggregate property damage liability.

ARTICLE VI Design Standards (§ 233-16 — § 233-21)

§ 233-16 Purpose.

These design standards are a guide to development so that the Village of Ossining will, in the future, be a coordinated, well planned community of good quality, with provision for desirable services and facilities.

§ 233-17 Land use standards.

A.

Proposed land uses shall conform to Chapter 270, Zoning, the Comprehensive Plan and the provisions of this chapter.

[Amended 10-6-2009 by L.L. No. 4-2009]

B.

Land reserved from subdivision shall be of a useful dimension for development in the future in accordance with current zoning requirements.

C.

Subdivision designs shall indicate consideration for suitable protection of different types of land uses and the segregation of vehicular and pedestrian traffic incompatible with particular uses.

D.

Desirable sites shall be provided for public and semipublic land uses such as schools, firehouses and churches.

E.

Parks and playgrounds. Where deemed essential by the Planning Board of the Village of Ossining and upon consideration of the particular type of development proposed in the subdivision (whether high-, low- or medium-density or in apartment-type developments), the Board may require reservation and/or dedication in compliance with § 7-730 of the Village Law of land for the suitable development of a park or parks for playgrounds or recreational purposes. The Board shall not require that more than 15% of the gross area of the subdivision be so dedicated or reserved. The minimum area of contiguous open space for dedication shall not be less than two acres. Open spaces of less area may be accepted whenever the Board deems it advisable to accept such land in lieu of the following provision.

[Amended 8-3-1999 by L.L. No. 2-1999]

F.

In cases where the Planning Board finds that, due to size, topography or location of the subdivision or for other reasons, land for parks, playgrounds or other recreation purposes cannot be properly located therein or is not otherwise practicable to require the same as a condition of approval, the Board shall waive the requirement that such land be reserved and/or dedicated, provided that a cash payment in lieu thereof for each dwelling unit, of a sum set from time to

time by resolution of the Village Board of Trustees,

Editor's Note: The Schedule of Fees is on file in the Village offices.

be paid into a special Village Recreation Site Acquisition and Improvement Fund for providing recreational facilities in the vicinity of the subdivision.

[Amended 8-3-1999 by L.L. No. 2-1999]

§ 233-18 Street and highway standards.

A.

Any proposed sidewalk, street and highway layout shall conform to the Village standards of sidewalks, streets and highways. This includes incorporating any streetscaping to promote pedestrian-friendly development.

[Amended 10-6-2009 by L.L. No. 4-2009]

B.

The street pattern within a subdivision shall be orderly. Where appropriate, a major street shall be indicated for more direct access to minor streets.

C.

Minor streets shall be laid out so that their use for through traffic will be discouraged. Particular attention should be given to eliminating possible bypasses around traffic signals and major intersections.

D.

Duplication of street names. There shall be no duplicate street names within the Village.

E.

Block dimensions:

(1)

Maximum length shall be 1,200 feet. Minimum length shall be 400 feet.

(2)

Minimum width shall relate to the zoning district requirements for lot sizes and yards, and generally shall provide for two tiers of lots.

(3)

Special attention shall be given to blocks in industrial and business districts to provide for access to the lots and areas for parking and truck delivery.

F.

Culs-de-sac:

(1)

Maximum length may be determined by the Planning Board after report from the Village Engineer. Such determination shall be based on the existence of severe topographic conditions and adequate accessibility for fire and police protection.

(2)

Minimum radius for the right-of-way at the turnaround shall be 60 feet and the outside curb radius shall be 50 feet.

G.

Intersections:

(1)

No more than two streets shall intersect or meet at any one point.

(2)

No street shall intersect or meet at an angle of less than 60° or more than 120°.

(3)

The center lines of all streets entering an intersection shall pass through a single point.

(4)

Intersections of minor and major streets shall be spaced a minimum of 150 feet apart measured from the points of intersection of the center lines.

(5)

Intersections on a main highway shall be spaced a minimum of 800 feet apart measured from the points of intersection of the center lines.

H.

Horizontal alignment shall have:

(1)

A minimum radius of 150 feet.

(2)

A minimum tangent between reverse curves of 50 feet.

I.

Vertical alignment shall have:

(1)

A minimum grade of 1.0%.

(2)

A maximum grade of 6.0% (8.0% on minor streets); or a maximum grade for less than 200 feet of 10.0%; or a maximum grade within 100 feet of a right-of-way intersection of 4.0%.

J.

Sight distances shall be at least:

(1)

One thousand feet for main highways.

(2)

Five hundred feet for major streets.

(3)

Three hundred feet for minor streets.

K.

Standards for all streets and highways shall be determined by the appropriate authorities. Generally, standards for streets to be dedicated in the Village shall be a thirty-foot width with a ten-foot right-of-way on each side of the street.

[Amended 10-6-2009 by L.L. No. 4-2009]

L.

Planting strips. All planting strips within the street rights-of-way shall be finish graded, properly prepared and seeded or sodded with lawn grass in conformance with good nursery and landscape practice.

M.

Monuments. Monuments shall be of reinforced concrete or stone and shall be four inches square at the top, with a length of at least 36 inches and shall be embedded the full depth.

N.

Subgrade:

(1)

The entire right-of-way shall be cleared of brush and trees except those which will be an asset to the subdivision

landscape.

(2)

All boulders, organic material, soft clay, spongy soil and other objectionable material shall be removed and replaced by material approved by the Village Engineer.

(3)

The subgrade shall be properly stabilized, shaped, rolled and uniformly compacted with a ten-ton roller to conform with the lines, grades and typical cross sections of this specification and the approved final plat and profile drawings. The process of shaping, rolling and filling shall be repeated until no depressions develop.

(4)

All rutting, displacement or soft spots after the subgrade has been completed shall be properly repaired with new material, regraded and compacted.

(5)

When existing materials in the road are to be used for road base material, that material shall be removed to the surface of the subgrade so that the subgrade may be properly prepared before the base is constructed.

(6)

Cuts and fills shall have a maximum slope of 1 on 2 from the edge of the right-of-way, except when specifically waived by the Planning Board and the Engineer, for the purpose of saving trees or some particular terrain feature at the given place.

§ 233-19 Drainage standards.

A.

Land subject to periodic or occasional flooding shall not be platted for residential occupancy nor for any other use which may endanger life or property or aggravate the flood hazard, and further, such land within a plat shall be set aside for park purposes in addition to that area which is required in § 233-17E.

B.

Manholes shall be provided in drain lines not more than 350 feet apart and wherever branches are connected or sizes are changed and wherever there is a change in alignment or grade.

C.

Alignment of pipes shall be in a straight line between manholes.

D.

Drain lines shall be placed between the center line of the road and the curblin and shall, as far as practical, parallel the center line of the road.

E.

Not more than two catch basins shall be interconnected before being connected to a manhole.

F.

Surface drainage in gutters shall be limited to the equivalent of that flowing from 1.5 impervious acres; however, where the tributary impervious area exceeds the runoff from 1.0 impervious acres, a double inlet catch basin shall be used.

G.

Drainage structures which are located on state or county highway rights-of-way shall be approved by the state or county highway engineer's office, and a letter from that office indicating such approval shall be directed to the Village of Ossining Planning Board.

H.

All drainage standards must be in accordance with Chapter 227, Stormwater Management and Erosion and Sediment Control.

[Added 10-6-2009 by L.L. No. 4-2009]

§ 233-20 Preservation of natural environment.

A.

Subdivision design shall preserve, insofar as is possible, the natural terrain and natural drainage lines.

B.

A conscious effort shall be made to preserve all worthwhile trees and shrubs which exist on the site. Such features are particularly important in park or playground areas. On individual lots or parcels care shall be taken to preserve selected trees to enhance the landscape treatment of the development.

C.

Natural fertility of the soil shall be preserved by disturbing it as little as is possible.

D.

Open watercourses shall be recognized as community assets. Subdivision design may well be enhanced by featuring streams and brooks.

§ 233-21 Required public improvements.

The following improvements will be required except when the Planning Board waives the requirement by specific resolution:

A.

Paved streets.

B.

Curbs or gutters.

C.

Sidewalks.

D.

Water mains and fire hydrants.

E.

Sanitary sewers.

F.

Storm drainage that must be in accordance to Chapter 227, Stormwater Management and Erosion and Sediment Control.

[Amended 10-6-2009 by L.L. No. 4-2009]

G.

Street signs.

H.

Streetlighting.

I.

Street trees.

J.

Seeding or sodding of planning strips with lawn grass.

ARTICLE VII Inspections and Variances (§ 233-22 — § 233-23)

§ 233-22 Inspections.

A.

Routine inspections.

(1)

All improvements and utilities will be inspected by the Village Engineer's office to ensure satisfactory completion.

(2)

In no case shall any paving work be done (including prime and seal coats) without permission from the Village Engineer's office. At least three days' notice shall be given to the Village Engineer's office prior to any such construction, so that a representative of the Village may be present at the time the work is to be done.

(3)

The Village Engineer's office shall be notified after each of the following phases of the work has been completed so that he or she or his or her representative may inspect the work:

(a)

Road subgrade.

(b)

Curb and gutter forms.

(c)

Road paving (after each coat in the case of priming and sealing).

(d)

Sidewalk forms.

(e)

Drainage pipe and other drainage structures, before backfilling.

B.

Final inspection. A final inspection of all improvements and utilities will be made to determine whether the work is satisfactory and in substantial agreement with the approved final plat drawings and the Village specifications. The general condition of the site shall also be considered. Upon a satisfactory final inspection report, action will be taken to release the performance bond covering such improvements and utilities.

C.

Inspection fee. An inspection fee of 4% of the amount of the performance bond shall be paid to the Village Clerk prior to the time that the Chairman of the Planning Board signs the final plat.

Editor's Note: Former Section 1000, Modification of zoning requirements, was deleted 8-3-1999 by L.L. No. 2-1999.

§ 233-23 Variances.

[Amended 10-6-2009 by L.L. No. 4-2009]

Where the Planning Board finds that strict compliance is not requisite in the interest of the public health, safety and general welfare or inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision with these regulations, it may waive the regulations so that substantial justice may be done and the public interest secured, provided that such violation will not have the effect of nullifying the intent and purpose of the Official Map, Chapter 270, Zoning, the Comprehensive Plan or this chapter. Any such waiver may be subject to appropriate conditions imposed by the Planning Board in the resolution of approval.

